



PATENT

Attorney Docket No. F-5366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Daniel R. Boggs, et al.

Serial No.: 09/111,915

Filed: July 8, 1998

Examiner: Richard W. Ward

Art Unit: 1723

For: COMPOSITE MEMBRANE WITH
PARTICULATE MATTER SUBSTANTIALLY
IMOBILIZED THEREIN

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GROUP 1700

CERTIFICATE OF MAILING
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Date of Deposit: March 14, 2003

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NAME: ARMAUDO CHING
(TYPED OR PRINTED)

SIGNATURE: Armando Ching

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(d)

Dear Sir:

Pursuant to 37 CFR §1.97(d), Applicant hereby calls the Examiner's attention to the documents listed on the attached form, which documents may be material to the examination of this application. A copy of each document is enclosed herewith for the Examiner's consideration.

This Supplemental Information Disclosure Statement is being filed after the mailing of a Final Action, but before payment of the Issue Fee. The present application is presently on Appeal. Each item of information in this Supplemental Information

Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Enclosed is a check in the amount of \$180.00 for the fee due, as required by 37 CFR 1.17(p).

The citation of these documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of the documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

If it is determined that a further fee is required for this Supplemental Information Disclosure Statement, please charge the additional amount to Deposit Account No. 50/1039. (A duplicate

of Fee Transmittal Form PTO/SB/17 is included in this submission.)

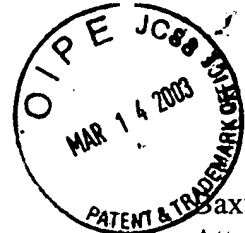
Respectfully submitted,



Andrew G. Kolomayets

Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500



03-17-03

1723\$
#28/Suppl
FDS.

Saxter Docket No.: NU-5065 NA
Attorney Docket No. 01417N P 641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)
Becker, et al.)
Application No. 10/035,651)
Filed: November 09, 2001)
Art Unit: 3762)
For: Containers and Methods for Storing)
and Admixing Medical Solutions)

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Commissioner For Patents
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

Because there has been no first Office Action on the merits in the above-identified application, Applicants submit, pursuant to 37 C.F.R. § 1.97(b), the references as cited on the enclosed Form PTO-1449. Also enclosed is an English language abstract for each of the non-English references. Each abstract suffices as a concise explanation of relevance, if any, of that respective reference. *See* MPEP § 609.III.A(3) (8th ed.). Further, the listed references United States Patent Applications Serial No. 08/033,233 and 09/099,188 are not included because these references are cumulative of the enclosed United States Patent No. 5, 577,369.

This submission is not an admission that any enclosed reference anticipates, or that any reference or any combination of references renders obvious, any claim in the above-identified application. Nevertheless, the Examiner is requested to consider carefully the complete disclosures of the enclosed references in connection with the examination of the above-identified


Baxter Docket No.: NU-5065 NA
Attorney Docket No. 01417YN P 641
Application Serial No. 10/035,651
Page 2

application. It is requested that the listed references be made of record and included in the "References Cited" portion of any patent issuing from this Application.

There should be no fee required with this submission. In the event, however, that any fee may be due, the Commissioner is hereby authorized to debit our Deposit Account No. 23-0280.

I thank you in advance for your cooperation in this matter.

Respectfully submitted,

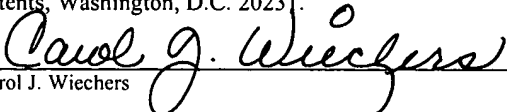
Dated: March 14, 2003 By: 
Stephen R. Auten
Reg. No. 47,396
Wallenstein & Wagner, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
312.554.3300

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

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Carol J. Wiechers

(169809)



03-17-03

1723\$

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|-------------------------|
| Application Number | 09/111,915 |
| Filing Date | July 8, 1998 |
| First Named Inventor | Daniel R. Boggs, et al. |
| Art Unit | 1723 |
| Examiner Name | Richard W. Ward |
| Attorney Docket Number | F-5366 |

Total Number of Pages in This Submission

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- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | - Return Postcard |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement | <input type="checkbox"/> Request for Refund | - Cited References (3) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | - PTO/SB/08A |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------------|--|
| Firm or Individual | Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. |
| Signature | <i>Andrew G. Kolomayets</i> |
| Date | March 14, 2003 |

CERTIFICATE OF TRANSMISSION/MAILING Express Mail No. EV 036910564 USI hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as ~~for a document~~ in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: March 14, 2003 Express Mail

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|------------------|----------------------|
| Typed or printed | ARMANDO CHING |
| Signature | <i>Armando Ching</i> |
| Date | March 14, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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NAME: ARMANDO CHING

SIGNATURE: *Armando Ching*

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00

Complete if Known

Application Number 09/111,915
Filing Date July 8, 1998
First Named Inventor Daniel R. Boggs, et al.
Examiner Name Richard W. Ward
Group Art Unit 1723
Attorney Docket No. F-5366

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 50/1039
Deposit Account Name Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the aboveidentified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 740 | 201 370 | Utility filing fee | |
| 106 330 | 206 165 | Design filing fee | |
| 107 510 | 207 255 | Plant filing fee | |
| 108 740 | 208 370 | Reissue filing fee | |
| 114 160 | 214 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 0 -20** = 0 X Fee from below = 0.00
Independent Claims 0 -3** = 0 X Fee from below = 0.00
Multiple Dependent Claims =

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 103 18 | 203 9 | Claims in excess of 20 | |
| 102 84 | 202 42 | Independent claims in excess of 3 | |
| 104 280 | 204 140 | Multiple dependent claim, if not paid | |
| 109 84 | 209 42 | ** Reissue independent claims over original patent | |
| 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 105 130 | 205 65 | Surcharge - late filing fee or oath | |
| 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | Non-English specification | |
| 147 2,520 | 147 2,520 | For filing a request for ex parte reexamination | |
| 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | Extension for reply within first month | |
| 116 400 | 216 200 | Extension for reply within second month | |
| 117 920 | 217 460 | Extension for reply within third month | |
| 118 1,440 | 218 720 | Extension for reply within fourth month | |
| 128 1,960 | 228 980 | Extension for reply within fifth month | |
| 119 320 | 219 160 | Notice of Appeal | |
| 120 320 | 220 160 | Filing a brief in support of an appeal | |
| 121 280 | 221 140 | Request for oral hearing | |
| 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | Petition to revive - unavoidable | |
| 141 1,280 | 241 640 | Petition to revive - unintentional | |
| 142 1,280 | 242 640 | Utility issue fee (or reissue) | |
| 143 460 | 243 230 | Design issue fee | |
| 144 620 | 244 310 | Plant issue fee | |
| 122 130 | 122 130 | Petitions to the Commissioner | |
| 123 50 | 123 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 180 | 126 180 | Submission of Information Disclosure Stmt | 180.00 |
| 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| 146 740 | 246 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 740 | 249 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 740 | 279 370 | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 180.00

SUBMITTED BY

Name (Print/Type) Andrew G. Kolomayets

Registration No. (Attorney/Agent) 33,723

Complete (if applicable)

Telephone (312) 236-8500

Signature

Armando Ching

Date

March 14, 2003

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ENCLOSURES:

- () Application _____
() Specification _____ pages
() Claims _____ pages
() Abstract _____ page(s)
() Drawing Sheets no. _____ (F) _____
(X) Transmittal Letter (PTO/SB/21)
(X) Check \$ 180.00 No: 12516
() Declaration/Oath
() Assignment and Cover Sheet
(X) Information Disclosure Statement (SUPPLEMENTAL)
() Response/Amendment
() Extension of Time (In Duplicate)
() Small Entity Status
() Copy of Priority Document
(X) FEE TRANSMITTAL (IN DUPLICATE)
(X) CITED REFERENCES (A)
(X) PTO/SB/08A

RE: APPLICATION

ATTY/SEC: AGK/CAB

File no: F-5366

Applicant: DANIEL R. BOGGS, et al.

S.N.: 09/111,915 Filing Date: JULY 8, 1998

Title: COMPOSITE MEMBRANE WITH
PARTICULATE MATTER SUBSTANTIALLY
IMMOBILIZED THEREIN

Due date: _____ Date Sent: 03/14/2003
0360-0009